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§ 545; Dec. Dig. § 127 (16); Pleading, Cent. Dig. § 688.* 9 Va.-W. Va. Enc. Dig. 429.]

4. Pleading (§ 248 (1)*)—Amendment—New Cause.—Though courts are liberal in allowing amendments, the amendment must not introduce a substantive cause different from that declared on in the original declaration.

[Ed. Note.—For other cases, see Pleading, Cent. Dig. §§ 686, 689-692; Dec. Dig. § 248 (1).* 1 Va.-W. Va. Enc. Dig. 318.]

Error to Circuit Court, Russell County.

Action by M. L. Barrett against C. C. Irvine. Judgment for plaintiff, and defendant brings error. Reversed and remanded

H. L. Kidd and *H. A. Routh*, both of Lebanon, *Greever, Gillespie & Divine*, of Welch, and *G. B. Johnson*, of Honaker, for plaintiff in error.

Finney & Wilson, of Lebanon, *S. H. Sutherland*, of Clintwood, and *J. E. Duff*, of Belfast Mills, for defendant in error.

JOHNSON *v.* ABLES.

Sept. 11, 1916.

[89 S. E. 908.]

Fraudulent Conveyances (§ 277 (3)*)—Conveyances to Wife—Presumptions—Evidence.—Despite Married Woman's Act of 1900 (Code 1904, § 2286a), amplifying the rights of married women, it will, in a contest between the existing creditors of an insolvent husband and his wife touching an alleged purchase from her husband or from another with means furnished by the husband, be presumed that the transaction is actually fraudulent, and the burden is on the wife to show that the consideration was, in good faith, paid by her out of her separate estate, and where a purchase is ostensibly made by a wife from third persons, she, as against creditors of her insolvent husband, has the burden of showing that she, and not the husband, furnished the consideration, for the marriage relation affords peculiar opportunities for defrauding the husband's creditors.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 799, 814; Dec. Dig. § 277 (4).* 6 Va.-W. Va. Enc. Dig. 662.]

Appeal from Circuit Court, Lee County.

Bill by C. P. Ables against Arzelia Johnson. From a decree for complainant, defendant appeals. Affirmed.

Davidson & Robinette, of Jonesville, *Pennington & Handy*, of Bristol, and *Pennington & Cridlin*, for appellant.

B. H. Sewell and *M. G. Ely*, both of Jonesville, for appellee.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.